



General Assembly

January Session, 2011

Raised Bill No. 934

LCO No. 2894

02894_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING THE REASONABLE ASSURANCE DOCTRINE
UNDER THE UNEMPLOYMENT COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 31-227 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (d) Benefits based on service in employment defined in subdivisions
5 (1) (C) and (D) of subsection (a) of section 31-222 shall be payable in
6 the same amount, on the same terms and subject to the same
7 conditions as compensation payable on the basis of other service
8 subject to this chapter; except that:

9 (1) [with] With respect to weeks of unemployment beginning after
10 December 31, 1977, benefits shall not be paid based on service
11 performed in an instructional, research or principal administrative
12 capacity for an educational institution for any week of unemployment
13 commencing during the period between two successive academic
14 years, or during a similar period between two regular terms, whether
15 or not successive, or during a period of paid sabbatical leave provided

16 for in the individual's contract, to any individual if such individual
17 performs such services in the first of such academic years (or terms)
18 and if there is a contract or a reasonable assurance that such individual
19 will perform services in any such capacity for any educational
20 institution in the second of such academic years or terms provided,
21 however, an assignment or offer that is contingent on enrollment,
22 funding, program changes or the availability of other faculty members
23 shall not be considered a "reasonable assurance" or employment;

24 (2) [with] With respect to weeks of unemployment beginning after
25 October 29, 1983, for service performed in any other capacity for an
26 educational institution, benefits shall not be paid on the basis of such
27 services to any individual for any week which commences during a
28 period between two successive academic years or terms if such
29 individual performs such services in the first of such academic years or
30 terms and there is a reasonable assurance that such individual will
31 perform such services in the second of such academic years or terms,
32 except that if benefits are denied to any individual under this
33 subdivision and such individual is not offered an opportunity to
34 perform such services for the educational institution for the second of
35 such academic years or terms, such individual shall be entitled to a
36 retroactive payment of benefits for each week for which the individual
37 filed a timely claim for benefits and for which benefits were denied
38 solely by reason of this subdivision;

39 (3) [with] With respect to weeks of unemployment beginning after
40 March 31, 1984, for services described in subdivisions (1) and (2),
41 benefits shall not be payable on the basis of such services to any
42 individual for any week which commences during an established and
43 customary vacation period or holiday recess if such individual
44 performs such services in the period immediately before such vacation
45 period or holiday recess and there is a reasonable assurance that such
46 individual will perform such services in the period immediately
47 following such vacation period or holiday recess; and

48 (4) [with] With respect to weeks of unemployment beginning after
49 March 31, 1984, for services described in subdivisions (1) and (2),
50 benefits shall not be payable on the basis of such services under the
51 circumstances prescribed in subdivisions (1), (2) and (3) to any
52 individual who performed such services in an educational institution
53 while in the employ of an educational service agency. For purposes of
54 this subdivision the term "educational service agency" means a
55 governmental agency or governmental entity which is established and
56 operated exclusively for the purpose of providing such services to one
57 or more educational institutions.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2011	31-227(d)
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Statement of Purpose:

To allow certain individuals performing services in educational institutions to collect unemployment compensation benefits when an offer of future employment is contingent on enrollment, funding, program changes or the availability of other faculty members.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]